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28,449-A

Art Unit 3763
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner Kevin C. Simons

Paper No.:

Applicant: Jason C. Birnholz

Serial No.: 10/693,452

Filed: 10/27/2003

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in an
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20231, on

10/21/04

Dated

10/24/04

By

Kevin C. Simons

COMMISSIONER FOR TRADEMARKS
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SIR:

Responsive to office letter dated September 8, 2004, kindly amend as
follows:

Cancel claims 1, 2 and 3, substituting newly presented claims 5, 6, and 7.

REMARKS

Examiner has made no comment with respect to the acceptability of the
drawings. Applicant will want the opportunity to submit formal drawings upon a finding
of allowable subject matter.

Relative to the merits of the application, Examiner has rejected claims 1 to
3, inclusive, under Section 102(b) as being anticipated by Throop, U.S. 1,878,026.
Examiner has stated that Throop discloses a device comprising: a hollow elongated
flexible body forming a cavity (Figures 1 and 2), said body having an end portion
thereof forming an opened neck portion (29), a hollow tube interconnected to said neck
having a selectively sealed terminal; said tube extending laterally of said neck, whereby